

Chapter 911 MASSAGE PARLORS, BATHHOUSES, AND RELATED ENTERPRISES

Editor's note: G.O. 51, 2001, § 2, adopted June 4, 2001, 183, 1997, states that G.O. 183, 1997, is amended by the deletion of the expiration date of July 1, 2002, as provided in section 29 thereof. It is the intent of this ordinance that the provisions of G.O. 183, 1997, which amended the "Municipal Code of Indianapolis and Marion County, Indiana" and the "Revised Code of the Consolidated City and County" shall not expire, but shall remain in full force and effect, and as they may have been amended, renumbered, or recodified since the effective date thereof.

Cross references: General provisions regarding licenses, ch. 801.

Sec.911-1. Definitions.

Sec.911-2. License required: exemption.

Sec.911-3. Applications for massage parlor, bathhouse, escort service, body painting studio or nude modeling studio licenses.

Sec.911-4. Applications for massage therapist, escort, body painting model or nude model licenses.

Sec.911-5. Issuance or rejection of application.

Sec.911-6. Fees.

Sec.911-7. Operation.

Sec.911-8. Enforcement and Penalties.

Sec.911-1. Definitions

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Bathhouse means any building, room, place or establishment, other than a regularly licensed hospital, dispensary, hotel, rooming house or public lodging house, where members of the public are provided with baths, regardless of whether steam, vapor, water, sauna or otherwise.

Body painting model means a person who allows any part of his or her body to be painted with any paint, dye, tint, spray or other material while such person is serving as an employee or receiving other (compensation by or through any body painting studio as defined herein.

Body painting studio means any shop, establishment, place of business or other operation that employs or otherwise compensates persons for serving as models for the painting of any part of the human body with any paint, dye, tint: spray or other material.

Escort means and includes a person who is employed, advertised or promoted by, associated with, or otherwise compensated by or through, an escort service for sending as an escort, host or hostess, and who is not licensed as a massage therapist or nude model.

Escort service means any shop, establishment, place of business, business association, or other operation that promotes, advertises, employs or otherwise compensates persons to serve as escorts, and that is not licensed as a massage parlor, nude modeling studio, body painting studio, taxicab, or limousine.

Massage means any method of treating the superficial soft parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading or tapping with the hands or instruments.

Massage parlor means any building, room, place or establishment, other than:

- (1) A massage therapy school certified by the state;
- (2) A regularly licensed hospital or dispensary; or
- (3) A facility wherein each person who administers a massage is exempt from the license requirement under subsection (c) of section 911-2 of the Code;

where nonmedical and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by anyone not a physician, osteopath, chiropractor, podiatrist or physical therapist duly registered with and licensed by the state.

Massage therapist means a person who practices, administers or teaches all or any of the subjects or methods of treatment defined herein as massage therapy.

Massage therapy means the act of body massage, either by mechanical or electrical apparatus or otherwise, for the purpose of reducing or contouring the body by the use of oil rub, salt, hot and cold packs, cold showers and cabinet baths.

Nude model means a person who engages in nude modeling for a nude modeling studio.

Nude modeling means the posing by a human male or female with his or her sexual and/or genital areas not covered by a fully opaque covering, while such person is an employee or receiving other (compensation by or through any nude modeling studio, as defined in this section, and shall not include any activity which involves the touching of another person; however, nude modeling at or on behalf of any properly accredited institution of higher education shall not fall within this definition.

Nude modeling studio means any shop, establishment, place of business or other operation that employ's or otherwise compensates persons for serving as models for purposes of nude modeling. However, any properly accredited institution of higher learning shall not fall within this definition.

Person employed means and includes a massage therapist, body painting model, escort or nude model who performs any function at an establishment required to be licensed under this chapter, either:

- (1) As an employee or independent contractor; or
- (2) Otherwise, with the knowledge and consent;

of the owner or operator of the establishment,

Sexual and/or genital area means and includes human male or female genitals, pubic area, anus or perineum, and human female vulva or breast.

(G.O. 183,1997, § 11)

Sec.911-2. License required; exemption.

(a) It is unlawful for a person or firm to operate, conduct or maintain a massage parlor, bathhouse, escort service, body painting studio or nude modeling studio in the city without first having obtained a license therefor from the controller.

(b) It shall be unlawful for a person employed in the city to be paid:

- (1) As a massage therapist, escort, body painting model, or nude model
- or
- (2) To perform massages;

unless such person first obtains a license therefor from the controller.

(c) Notwithstanding the provisions of subsection (b) of this section, a person who has:

- (1) Been awarded the National certificate for Therapy Massage and Body Work;
- or
- (2) Graduated from an institute of professional massage therapy instruction accredited by the state in which it is located;

may engage in massage therapy in the city without first having obtained a massage parlor license or massage therapist license therefor from the controller.

(G.O. 183,1997, § 11)

Sec.911-3. Applications for massage parlor, bathhouse, escort service, body painting studio or nude modeling studio licenses.

(a) The application for a license to operate a massage parlor, bathhouse, escort service, body painting studio or nude modeling studio under this chapter shall be made with the controller on forms provided by the controller, and shall contain the following information:

- (1) The name of the applicant, and all aliases and business names used by the licensee to conduct the business;
- (2) The residence address of the applicant, and applicant's residence addresses for the past three (3) years;
- (3) The business address of the applicant;
- (4) The number of massage tables, showers, stalls or other such individual units in the establishment;
- (5) The age, date of: birth and citizenship of the applicant, in the case of individuals, and of the manager and officers in the case of a corporation;
- (6) The names, addresses, ages, citizenship and designations of each person employed in or who has a financial interest in the applicant's establishment;
- (7) Whether the applicant or in the case of a corporation, its managers, officers, directors or stockholders, have ever been previously engaged in operating a massage parlor, bathhouse, escort service, body painting studio or nude modeling studio;
- (8) Whether any applicant, or in the case of a corporation, its managers, officers, directors or stockholders, have ever been convicted of any act of violence, moral turpitude, sex offense including but not limited to prostitution or public indecency involving the act of touching oneself or another in a sexual manner, or prior violation of this chapter;
- (9) An agreement by the operator permitting inspection; and
- (10) The type of license for which the applicant is applying

(b) If there is any change in the licensed business during the term of the license such that the information provided in the application form is no longer complete or accurate, then the licensee shall notify the controller in writing within thirty (30) days after such change occurs. Failure to comply with this subsection shall be a violation of the Code.

(G.O. 183, 1997, § 11)

Sec.911-4. Applications for massage therapist, escort, body painting model, or nude model licenses.

(a) Along with the operator's application for a license, there shall be filed a verified application by each person employed in the establishment who is required by this chapter to be licensed. The application shall contain the following information regarding the person:

- (1) Name and aliases;
- (2) Age, and date of birth;
- (3) Address and former addresses for past three (3) years;
- (4) Citizenship;
- (5) Whether convicted of any public offense concerning an act of violence, moral turpitude, sex offense including but not limited to prostitution or public indecency involving the act of touching oneself or another in a sexual manner, or prior violation of this chapter; and
- (6) Nature of work performed

(b) The Health and Hospital Corporation of Marion County may establish restrictions on the activity of persons licensed under this chapter with respect to communicable diseases. An applicant for such a license shall demonstrate to the controller, by certificate or otherwise, his or her compliance with such restrictions, if any, at the time of application and throughout the term of the license.

(c) All applicants for licenses to engage in the practice of massage therapy and who are not exempt under subsection 911-2(c) of this chapter must submit a certificate or affidavit of their respective qualifications as to schooling, training and experience, and where and how obtained.

(G.O. 183, 1997, § 11)

Sec.911-5. Issuance or rejection of application.

(a) Before a license under this chapter is issued, the controller shall investigate the character of the applicant and the officers, directors and managers of the business if the applicant is a corporation. No license shall be issued if the controller determines that:

- (1) Any of such persons previously have been connected with any massage parlor, bathhouse, escort service, body painting studio or nude modeling studio where the license therefor has been revoked, or where any law applicable to such establishments has been violated; or
- (2) The premises sought to be licensed fail to comply in any manner with any applicable laws or ordinances.

(b) No person who has been convicted of any public offense concerning an act of violence, moral turpitude, sex offense including but not limited to prostitution or public indecency involving the act of touching oneself or another in a sexual manner, and no business who employs such a person, shall be licensed as an escort or escort service.

(G.O. 183, 1997 § 11)

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Sec.911-6. Fees.

(a) The annual license fee for each person who operates, conducts or maintains a massage parlor, bathhouse, escort service, body painting studio or nude modeling studio, or any combination thereof, shall be two hundred fifty dollars (\$250.00).

(b) The annual license fee for each person employed as a massage therapist, escort, body painting model or nude model shall be twenty-five dollars (\$25.00).

(G.O. 183, 1997, § 11)

Sec.911-7. Operation .

(a) No massage parlor, bathhouse, escort service, body painting studio or nude modeling studio shall be operated or conducted in living quarters, and no one shall use such business premises for a place of habitation. No massage parlor, bathhouse, escort service, body painting studio or nude modeling studio shall have a separate entrance or opening to living quarters, and the entrances to such business premises must be separate from the entrances to any places of habitation .

(b) No person employed by any licensee under this chapter or allowed to be within view of any of the services rendered by a massage parlor, bathhouse, escort service, body painting studio or nude modeling studio shall be under the age of twenty-one (21) years.

(c) Each person employed in an establishment licensed under this chapter, except nude models while actually engaged in nude modeling, shall wear clean outer garments with a fully opaque covering of such person's sexual and/or genital areas.

(d) The sexual and/or genital areas of patrons of establishments required to be licensed under this chapter must be covered with towels, clothes or undergarments when in the presence of an employee, masseur, masseuse, massage therapist, escort, body -painting model, nude model, or other patron.

(e) No person in any establishment licensed under this chapter, and no escort, shall place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage a sexual and/or genital area of any other person.

(f) No person employed in an establishment licensed under this chapter shall perform, offer or agree to perform, any act which shall require the touching of the patron's genitals.

(g) Every massage parlor, bathhouse, escort service, body painting studio or nude modeling studio shall be open for inspection during all business hours and at other reasonable times by police officers, health and fire inspectors, and duly authorized representatives of the city upon the showing of proper credentials by such persons.

(h) Any bathhouse, massage parlor, escort service, body painting studio or nude modeling studio, or any combination thereof, is prohibited from installing or maintaining any lock or similar device on the inside of any door of such business which cannot be operated by key or knob from the exterior of such door.

(G.O. 183,1997, § 11)

Sec.911-8. Enforcement and penalties.

A person who violates any provision of this chapter shall be punishable as provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than two hundred dollars (\$200.00), and each day that an offense continues shall constitute a separate violation.

(G.O. 183,1997, § 11)